

FIRST REGULAR SESSION

SENATE BILL NO. 149

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NODLER.

Pre-filed December 4, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0617S.01I

AN ACT

To repeal section 160.545, RSMo, and to enact in lieu thereof two new sections relating to higher education scholarships.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 160.545, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 160.545 and 173.272, to read as
3 follows:

160.545. 1. There is hereby established within the department of
2 elementary and secondary education the "A+ Schools Program" to be administered
3 by the commissioner of education. The program shall consist of grant awards
4 made to public secondary schools that demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

6 (2) All students complete a selection of high school studies that is
7 challenging and for which there are identified learning expectations; and

8 (3) All students proceed from high school graduation to a college or
9 postsecondary vocational or technical school or high-wage job with work place
10 skill development opportunities.

11 2. The state board of education shall promulgate rules and regulations for
12 the approval of grants made under the program to schools that:

13 (1) Establish measurable districtwide performance standards for the goals
14 of the program outlined in subsection 1 of this section; and

15 (2) Specify the knowledge, skills and competencies, in measurable terms,
16 that students must demonstrate to successfully complete any individual course
17 offered by the school, and any course of studies which will qualify a student for
18 graduation from the school; and

19 (3) Do not offer a general track of courses that, upon completion, can lead

20 to a high school diploma; and

21 (4) Require rigorous coursework with standards of competency in basic
22 academic subjects for students pursuing vocational and technical education as
23 prescribed by rule and regulation of the state board of education; and

24 (5) Have a partnership plan developed in cooperation and with the advice
25 of local business persons, labor leaders, parents, and representatives of college
26 and postsecondary vocational and technical school representatives, with the plan
27 then approved by the local board of education. The plan shall specify a
28 mechanism to receive information on an annual basis from those who developed
29 the plan in addition to senior citizens, community leaders, and teachers to update
30 the plan in order to best meet the goals of the program as provided in subsection
31 1 of this section. Further, the plan shall detail the procedures used in the school
32 to identify students that may drop out of school and the intervention services to
33 be used to meet the needs of such students. The plan shall outline counseling
34 and mentoring services provided to students who will enter the work force upon
35 graduation from high school, address apprenticeship and intern programs, and
36 shall contain procedures for the recruitment of volunteers from the community
37 of the school to serve in schools receiving program grants.

38 3. By rule and regulation, the state board of education may determine a
39 local school district variable fund match requirement in order for a school or
40 schools in the district to receive a grant under the program. However, no school
41 in any district shall receive a grant under the program unless the district
42 designates a salaried employee to serve as the program coordinator, with the
43 district assuming a minimum of one-half the cost of the salary and other benefits
44 provided to the coordinator. Further, no school in any district shall receive a
45 grant under the program unless the district makes available facilities and
46 services for adult literacy training as specified by rule of the state board of
47 education.

48 4. For any school that meets the requirements for the approval of the
49 grants authorized by this section and specified in subsection 2 of this section for
50 three successive school years, by August first following the third such school year,
51 the commissioner of education shall present a plan to the superintendent of the
52 school district in which such school is located for the waiver of rules and
53 regulations to promote flexibility in the operations of the school and to enhance
54 and encourage efficiency in the delivery of instructional services in the
55 school. The provisions of other law to the contrary notwithstanding, the plan

presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

5. For any school year, grants authorized by subsections 1 to 3 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 6 of this section.

6. The commissioner of education shall, by rule and regulation of the state board of education and with the advice of the coordinating board for higher education, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or **within the limits established in subsection 8 of this section any two-year public or private** vocational or technical school for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section, except that students who are active duty military dependents who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the state board of education, and other requirements for the reimbursement authorized by this subsection as determined by rule and

92 regulation of said board.

93 7. The commissioner of education shall develop a procedure for evaluating
94 the effectiveness of the program described in this section. Such evaluation shall
95 be conducted annually with the results of the evaluation provided to the governor,
96 speaker of the house, and president pro tempore of the senate.

97 8. **For a two-year public or private vocational or technical school**
98 **to obtain reimbursements under subsection 6 of this section, the**
99 **following requirements shall be satisfied:**

100 (1) **Such two-year public or private vocational or technical**
101 **school shall be a member of the north central association and be**
102 **accredited by the higher learning commission as of July 1, 2007, and**
103 **maintain such accreditation;**

104 (2) **Such two-year public or private vocational or technical**
105 **school shall be designated as a 501(c)(3) nonprofit organization under**
106 **the Internal Revenue Code of 1986, as amended;**

107 (3) **No two-year public or private vocational or technical school**
108 **shall receive tuition reimbursements in excess of the tuition rate**
109 **charged by a public community college for course work offered by the**
110 **private vocational or technical school within the service area of such**
111 **college; and**

112 (4) **The reimbursements provided to any two-year private**
113 **vocational or technical school shall not violate the provisions of article**
114 **IX, section 8, or article I, section 7, of the Missouri Constitution or the**
115 **first amendment of the United States Constitution.**

173.272. 1. **There is hereby created in the state treasury the**
2 **"Community College Associate Degree Transfer Incentive Program**
3 **Fund", which shall consist of all moneys appropriated to the fund, all**
4 **moneys required by law to be deposited in the fund, and all gifts,**
5 **bequests or donations of any kind to the fund. The state treasurer shall**
6 **be custodian of the fund and shall approve disbursements from the**
7 **fund in accordance with sections 30.170 and 30.180, RSMo. Upon**
8 **appropriation, money in the fund shall be used solely for the**
9 **administration of this section.**

10 2. **Notwithstanding the provisions of section 33.080, RSMo, to the**
11 **contrary, any moneys remaining in the fund at the end of the biennium**
12 **shall not revert to the credit of the general revenue fund. The state**
13 **treasurer shall invest moneys in the fund in the same manner as other**

14 funds are invested. Any interest and moneys earned on such
15 investments shall be credited to the fund.

16 3. Any moneys appropriated to the coordinating board for higher
17 education by the general assembly for this program shall be distributed
18 by the Missouri department of higher education to participating public
19 or private four-year Missouri colleges or universities to provide
20 scholarships for citizens of this state who graduate from a public
21 Missouri community college and transfer to a participating public or
22 private four-year Missouri college or university under the provisions
23 of this section.

24 4. Funds for the scholarship program shall be distributed to
25 participating institutions on a pro-rata basis according to the number
26 of eligible two-year transfer students at each institution. The
27 coordinating board for higher education shall promulgate rules to
28 implement the provisions of this section.

29 5. A student shall be eligible for an associate degree transfer
30 incentive program scholarship if the student has completed an
31 associate of arts degree, or another degree that contains forty-two
32 credit hours of general education core curriculum, at a Missouri public
33 community college or other two-year institution located in Missouri and
34 recognized by the department of higher education to confer associate
35 degrees. Participating Missouri public or private colleges or
36 universities institutions shall establish additional eligibility
37 requirements.

38 6. Individual public or private four-year Missouri colleges or
39 universities may apply to the coordinating board for higher education
40 for funds to offer community college associate degree transfer incentive
41 scholarships under this section. Such institutions shall establish
42 performance standards that provide for continuation of the scholarship
43 for a minimum of four semesters and a maximum of four years, and a
44 minimum annual scholarship level of one thousand dollars, not to
45 exceed the cost of attendance.

46 7. Each institution offering a scholarship under this section shall
47 develop and publish application procedures, deadlines, award amounts,
48 and any other features unique to the receiving institution. The primary
49 criterion shall be need. Scholarships may be pro-rated for part-time
50 students. Each institution shall submit an annual report of the use and

51 distribution of such scholarship funds to the general assembly, with
52 such report subject to audit. The coordinating board shall establish by
53 rule a limit on funds to be used for administrative costs and a method
54 of determining need.

55 8. Any rule or portion of a rule, as that term is defined in section
56 536.010, RSMo, that is created under the authority delegated in this
57 section shall become effective only if it complies with and is subject to
58 all of the provisions of chapter 536, RSMo, and, if applicable, section
59 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
60 and if any of the powers vested with the general assembly under
61 chapter 536, RSMo, to review, to delay the effective date, or to
62 disapprove and annul a rule are subsequently held unconstitutional,
63 then the grant of rulemaking authority and any rule proposed or
64 adopted after August 28, 2007, shall be invalid and void.

65 9. Under section 23.253, RSMo, of the Missouri Sunset Act:

66 (1) The provisions of the new program authorized under this
67 section shall automatically sunset six years after the effective date of
68 this section unless reauthorized by an act of the general assembly; and

69 (2) If such program is reauthorized, the program authorized
70 under this section shall automatically sunset twelve years after the
71 effective date of the reauthorization of this section; and

72 (3) This section shall terminate on September first of the
73 calendar year immediately following the calendar year in which the
74 program authorized under this section is sunset.

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